

## United States District Court for the Western District of Washington

Sai  
Plaintiff

v.

Civil Action No.: 2:17-cv-1941

Abdi *et al.*  
Defendants

***Ex parte motion for extension***

On April 23, 2018, ECF No. 9, M.J. Theiler issued a second R&R re Plaintiff's IFP motion, with 21 days to file an objection (i.e. to today, May 15; FRCP 6(a)(1)(A)).

Plaintiff wishes to file an objection, but moves for a 2 1/2 week extension, to Friday, June 1.

Plaintiff has pending obligations to review, redact, and file a multi-thousand-page record in *Sai v. TSA*, No. 14-cv-403 (D.D.C.), by May 18.

In *Sai v. Covenant Aviation Security* (aka *Sai v. Smith*), No. 16-cv-1024 (N.D. Cal.), Plaintiff must tend to initial discovery and preparing FRCP 26(a) disclosures. Also, a case management conference is scheduled for May 30. A joint case management statement is due a week before (per N.D. Cal. all-judges standing order). The parties have not yet even discussed several of the required CMC topics. Plaintiff expects it to take substantial time and effort to complete.

Plaintiff has filed a motion with the 1st Circuit, *attached*, requesting a ruling on the identical motion pending there. Plaintiff believes that the 1st Circuit's response would be persuasive. There is no prejudice to anyone but Plaintiff from waiting, as this Court has refused to serve Defendants while the IFP motion is pending.

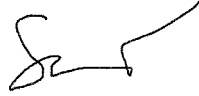


Respectfully submitted,

Sai, *plaintiff pro se*

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**Certificate of service**

I hereby certify that today, May 15, 2018, I caused this motion to be mailed to the Court for filing, as well as providing a courtesy copy (together with .docx format proposed order) by email.



United States District Court for the Western District of Washington

Sai  
*Plaintiff*

v.

Civil Action No.: 2:17-cv-1941

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*Defendants*

**[Proposed] Order re *ex parte* motion for extension**

Plaintiff's *ex parte* motion for extension is GRANTED. The R&R objection is due Friday, June 1, 2018.

Dated:



United States Court of Appeals for the First Circuit

Sai

*Petitioner*

v.

Civil Action No.: 15-2356

David P. Pekoske

*Respondent*

**Notice of ongoing proceedings and motion for oral argument and ruling re IFP motion**

In *Sai v. Abdi*, No. 2:17-cv-1941 (W.D. Wash.), Petitioner moved for the same relief as in this motion.<sup>1</sup>

Petitioner moved that court to stay its ruling until this Court's ruling on this motion, as this Court's decision would be highly influential. In its second R&R, that court recommended against doing so. See ECF Nos. 2, 4, 5, & 9.

Petitioner expects to file an objection to the second R&R shortly, again urging caution against direct split with its sister court, N.D. Cal.; the relevance of this Court's opinion; and the errors of unexamined assumptions made by the R&R, which essentially parallel those of the other courts that Petitioner addressed in § VIII of the Sept. 12, 2017 IFP memorandum, as well as in the reply.

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<sup>1</sup> The case stems from events at SEA, discussed in part in Petitioner's filings with this Court re withdrawal of PI/TRO, Jan. 1, 2016 & March 7, 2016.

That court's rules state that a tendered sealed filing might be made public or might be returned. W.D. Wash. LCvR 5(g)(6). Based on the court's R&R and orders thus far, Petitioner does not have confidence that a tendered sealed filing would in fact be kept private, and therefore has not given that court with any sealed affidavits, unlike with this Court.

Petitioner's motion there, as here, does not rely primarily on the content of the sealed record; it is *a priori*, and argues for an affirmative presumption of entitlement to seal and *ex parte* submission of IFP affidavits, including the motion pending in this Court *in toto*.



If W.D. Wash. denies the motion, Petitioner expects to file an interlocutory appeal.<sup>2</sup> The appeal would likely be a waste of judicial resources if this Court issues a decision in the interim, as the 9th Circuit would likely remand the matter for reconsideration in light of this Court's decision.

Therefore, and because the IFP motion has been pending for nine months, Petitioner respectfully requests an order and published opinion on the motion, or some sort of notice, time estimation, velc. that could be provided to W.D. Wash. to help convince that court to delay ruling until this Court issues its written opinion.

At time of filing, Petitioner requested oral argument on the motion. Petitioner still requests oral argument, by remote appearance (e.g. video conference), and moves that it be scheduled for the soonest available date agreeable to the parties' schedules.

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<sup>2</sup> The second R&R agreed that Petitioner would have a right to bring interlocutory appeal, ECF No. 9 p. 10–11.



Respectfully submitted,

Sai, *petitioner pro se*

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### Certificate of service

I hereby certify that today, the date stamped in the header by CM/ECF, I served this paper on

Respondent by CM/ECF.

